

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FABIAN SANTIAGO,

Plaintiff,

V.

SGT. CHILDERS, et al.,

Defendant.

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Civil No. **05-512-MJR-CJP**

ORDER

PROUD, Magistrate Judge:

Before the Court is plaintiff Santiago's motion for reconsideration of the Court's order denying plaintiff leave to subpoena and question defendant Childers' wife in order to learn his exact location in Iraq, so that certified mail can be used to serve Childers. Plaintiff further requests that the Court order Childers' wife to notify the Court in the event he sustains fatal injuries, so that Childers' estate could be substituted as a party to this action. **(Doc. 84).**

A review of the record reveals that U.S. District Judge Michael J. Reagan has now dismissed defendant Childers from this action, without prejudice. **(Doc. 83).**

IT IS THEREFORE ORDERED that the subject motion for reconsideration **(Doc. 84)** is **DENIED AS MOOT.**

IT IS SO ORDERED.

DATED: September 12, 2008

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE